

REMARKS

The Office Action mailed on 09/12/2003 (hereinafter referred to as the OA) has been received, and its contents carefully studied. The applicant presents this response and amendment which applicant believes is fully responsive to the OA.

The applicant further believes that for the reasons set out below, the currently pending claims are in condition for allowance. Applicant respectfully requests consideration for allowance.

Title

The title has been changed to more accurately reflect the focus of the invention, which is a bonus game for a gaming device. The previous title could have been confusing, as the present invention uses a plurality of presentations (displays), visible to a player, that are enabled to interact with each other to create the bonus game of the present invention. The bonus game actions are better reflected by the use of "Bonus Game" rather than "Countdown Game" in the title.

Claim Rejections

Rejections Under 35 USC § 112

Applicant has addressed the 112 rejections by modifying the claims to make more explicit the functional interdependence between the elements. Applicant also changed certain of the elements' descriptive wording to better characterize the elements.

One example is “countdown indicator,” used in the claims as originally filed for an element. Amongst other characteristics, the specification defines “countdown indicator” as able to be moved in any direction in the specification, an exemplar being:

‘...The countdown game enhances bonus game play by providing a “countdown indicator” which advances and retreats through various stages or levels of play. ...’ Specification, starting at the end of page 3.

The Examiner did not prefer the use of “countdown indicator,” as expressed in the OA:

“...The countdown indicator is supposed to be a decrementing indicator, where the art accepted meaning is something that decreases in value ...” OA, page 3, in first paragraph.

Applicant wishes to note for the record that the specification defined the term in its unorthodox meaning. Applicant also wishes to respond in a positive manner to the OA, and accordingly has changed the claims so that the term “countdown indicator”, “countdown indicator adjustor,” as well as several other previously included phrases with unique meanings, have been eliminated. The claims now recite these elements in functional terms.

Applicant has also added structural and/or functional relationships between the elements, showing interdependencies between the bonus game elements. Applicant believes these added structural and/or functional relationships address the concerns of the Examiner, showing relationships between the bonus game elements and further showing where they exist (physically). These changes were made to the pending independent claims (21, 60, and 66) and percolated through the dependent claims.

Addressing the request for additional relationships in method claim 60 (and therefore its dependents) on the bottom half of page 3 of the OA, Applicant respectfully submits that the amended claims now show the relationships, and no steps are missing for the bonus game being claimed. Applicant wishes to note that Applicant does not claim a specific step on how one from a plurality of choices is made in, for example, the second bonus game display, as several ways of achieving a selection are mentioned in the specification and such selection methods, if claimed, are found in dependent claims. Applicant wishes to re-emphasize that Applicant has added significant functional and structural relationships between elements to the amended claims (as well as removing the eclectic nature of some of the previous claims language) which Applicant believes answers the concerns expressed in the OA. In light of the amended claims, Applicant respectfully submits rejections under 35 USC § 112 have been overcome, and requests withdrawal of same as against the presently pending claims.

Rejections Under 35 USC §102

Pending independent claims 21 and 60 are rejected under 35 USC §102 in light of Melen et al., UK Patent Application 2191030 (hereinafter Melen).

Independent claims 21 and 60 have been amended to more clearly claim functional aspects and relationships between elements of the present invention. The elements that make up Melen are not the same as the presently claimed invention. Applicant believed this is true of the original claims and is also true of the currently pending amended claims. Further, Applicant respectfully submits that the presently amended claims, which have been cleared of the original and perhaps unfortunate element names, coupled with the addition of structural and functional characterization of the elements as well as added structural and functional relationships between the elements, makes the differences clearer.

Melen (elements and functional relationships) is presented generally first, followed by a comparison of elements and functionality in the presently claimed invention.

Melen discloses a game having slots (Fig. 1, refs 1, 2, 3 and possibly 4) for an initial game (1:102-109). Upon a losing event in the initial game (1:40-44), a player may play a next game. Melen's next game comprises two primary components (other than the special reel 4 used to initiate play in the next game), from a player's perspective: the

counter (Fig. 1 ref 5; 1:33-48, 1:78-83) and the awards ladder (Fig. 1 ref 7; 1:33-48, 1:58-67). These two components are used in “tension” with each other (note: the feature wheel, Fig. 1 ref 6; 1:125-129 affects the counter, discussed further below) where the player wants to progress along the awards ladder to get better and better awards as shown on the awards ladder, finally reaching the final (and best) position before the counter goes to 0. If the counter gets to 0, the awards ladder resets to its lowest position and the player must try again to make progress along the awards ladder. The counter is set to an initial number and is generally decremented as various thing happen in game play.

The central element in Melen is the counter, which is used to control the awards ladder (1:78-83). Melen's fourth reel is used as follows: each use of the fourth reel in the post-initial game moves the player on position up on the awards ladder, but the number that is shown across the payline when the fourth reel comes to a stop is used to decrement the counter (2:33-44). The feature wheel display (Fig 1, ref 6) is used to affect the counter (1:124-2:11). Basic play is the same: the player wants to move along the awards ladder to increasingly valuable prizes, but must stop playing to be awarded a prize before the counter goes to 0 (2:45-53).

The elements in Melen, and their relationship to other elements, include:

- (i) A post-initial game reel, spun to play the post-initial game. Functional relations include:
 - increments current position on awards ladder by one;
 - decrements counter by number shown on fourth reel payline.

- (ii) An awards ladder, showing increasingly desirable prizes up to the grand prize at the end. Functional relationships include:
 - gets moved forward (increasingly valuable prizes) by single spaces by spinning of post-initial game fourth reel;
 - award associated with player's current place on the awards ladder can be won by ending game before counter reaches 0; it is the player's choice.
- (iii) Counter, a numerical display used to control the awards ladder. Functional relationships include:
 - counter decremented based on post-initial game fourth reel outcome;
 - counter incremented or decremented by feature wheel display;
 - player reset to lowest position on awards ladder when count goes to 0;
 - player must stop game play before counter goes to 0 to collect prize currently shown on awards ladder.
- (iv) Feature wheel display, used to change counter value. Functional relationships include:
 - counter may be decremented or incremented depending on where the feature wheel stops;
 - does not affect other game components directly (if counter goes to 0 as a result of the feature wheel display, the state of the counter is used to reset the player to the lowest position on the awards ladder).

The following elements exist in independent claims 21 and 60 of the presently claimed invention:

- (i) A first bonus game display, having a plurality of stop positions which include both winning and non-winning positions with at least one winning position. Functional relationships include:
 - changes stop positions based on triggering event in primary game;
 - may change stop positions based on stop adjustments from third bonus game display;
 - player awarded amount shown (prize won) in fourth bonus game display when the stop position after (a) initial move from primary game and (b) any effect from third bonus game display has first bonus game display stop on a winning stop position.
- (ii) A second bonus game display which shows a value (prize), selected from a plurality of possible choices (includes choices made by a back-end system from a fixed pool as well as a randomly selected value generated on the gaming device). Functional relations include:
 - showing a changeable value;
 - enabled to add its showing value to the fourth bonus game display, an aggregated value, based on the first bonus game display stopping on a winning stop position;

- does not effect the first bonus game display, and can only provide a value to add to the fourth bonus game display.
- (iii) A third bonus game display which shows a stop adjustment, the stop adjustment being a number or symbol usable to change the current stop position of the first bonus game display to another position. Functional relationships include:
- usable to move the first bonus game display to another stop position (in addition to movement of the stop position resulting from the triggering primary game event);
 - does not effect the second or fourth bonus game play displays.
- (iv) A fourth bonus game play display, which is simply a winnable accumulated value. Functional relationships include:
- receives additional value from the second bonus game play display;
 - shows amount winnable by a player in the event of the first bonus game display stops on a winning stop position.

Applicant believes the above list shows the elements in the presently claimed invention are not present in Melen. By way of example and not limitation:

- Melen has no element like the fourth bonus game display [Melen's prizes are taken from the awards ladder];
- Melen has no element like the first bonus game play display, including differences such as changing position based on a primary game event (Melen's "award ladder" changes based on a post-initial game event) and determining if a player wins (Melen's "award ladder" has prizes at every step or position that may be won but are awarded or not awarded depending on what the player decides to do [spin the fourth reel again or take the prize], Melen's "award ladder" does not have win and non-win positions that determine if the player is going to win something as is the case with the present invention).

Applicant respectfully submits that the presently claimed invention is not anticipated by Melen for at least the reasons shown above and that the 35 USC §102 rejections have been overcome thereby; Applicant accordingly requests withdrawal of the 35 USC §102 rejections as against the presently pending claims.

Rejections Under 35 USC §103

The OA rejects independent claim 66 using Melen in light in Takemoto. Takemoto shows concentric wheels in a game. Applicant believes applicant has shown that Melen does not show the elements and their functional relationships as presently claimed; as such, the addition of Takemoto does not yield in the present invention. Related issues such as a teaching to combine are not reached.

Since Melen does not teach the elements and associated functional relationships for the independent claims, and each dependent claim inherits the limitations (elements and functional relationships) from their parent claims, adding an additional reference to cover additional elements in the dependent claims that are not present in Melen do not, in toto, yield the presently claimed invention. For these reasons, pending dependent claims 23-25, 27-28, 31-32, 34-36, and 87 (depending from 21), 61-65 and 88 (depending from 60), and 67-68 and 73 (depending from 66) have elements and functional relationships

not shown or taught in the cited art. Related issues such as a teaching to combine are not reached.

For the reasons just discussed, including but not limited to the amended claims and the discussion of the elements and functional relationships given in the section for the 35 USC §102 rejections, Applicant respectfully submits the 35 USC §103 have been overcome and requests withdrawal of same as against the presently pending claims.

Conclusion

Applicant respectfully submits the currently pending claims are in condition for allowance, and respectfully requests consideration for allowance. Please feel free to contact the undersigned attorney with any questions, suggestions, etc., relative to this application.

Respectfully submitted,

SIERRA DESIGN GROUP



Russ F. Marsden
Reg. No. 43,775

Dated: 11-Mar-04

Sierra Design Group
300 Sierra Manor Drive
Reno, NV 89511
Voice: (775) 225-5437
FAX: (775) 850-1501